

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Theodoros K.,

Case No. 20-CV-2228 (KMM/ECW)

Plaintiff,

v.

ORDER

Kilolo Kijakazi,

Defendant.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated September 27, 2022. [Doc. 49]. The R&R recommends that Plaintiff be awarded \$9,700.00 in reasonable attorney's fees under the Equal Access to Justice Act ("EAJA") and \$400 in costs. No objections have been filed to that R&R in the time permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Court finds no error in the Magistrate Judge's decision.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The R&R [Doc. 49] is **ACCEPTED**;
2. Plaintiff's Motion for Attorneys' Fees and Costs under the Equal Access to Justice Act [Doc. 44] is **GRANTED**, and Plaintiff is **AWARDED** \$9,700.00 for reasonable attorney's fees under the EAJA;
3. Plaintiff is further **AWARDED** \$400 in costs from the Judgment Fund administered by the United States Treasury;
4. In accordance with the EAJA and *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA award is payable to Plaintiff as the litigant and subject to offset to satisfy any pre-existing debts that the litigant may owe to the United States; and
5. Pursuant to the Plaintiff's assignment of attorney fees and costs [Doc. 46-1 at 1], Defendant shall send the EAJA payment, after any required offset, to Plaintiff's attorney in Plaintiff's name.

Date: **October 19, 2022**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge